

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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| In re VEECO INSTRUMENTS, INC. | : | Case No.: 7:05-md-01695 (CM)(GAY) |
| SECURITIES LITIGATION | : | |
| ----- | X | |
| ----- | X | |
| THIS DOCUMENT RELATES TO | : | |
| ALL ACTIONS | : | |
| ----- | X | |

**DECLARATION OF PHYLLIS M. PARKER IN SUPPORT OF LEAD PLAINTIFF'S
MEMORANDUM OF LAW IN OPPOSITION OF DEFENDANTS'
MOTION *IN LIMINE* TO PRECLUDE TESTIMONY OF ROBERT W. BERLINER**

Phyllis M. Parker, hereby declares as follows:

I, Phyllis M. Parker, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a lawyer of the law firm Berger & Montague, P.C., lead counsel for Lead Plaintiff in this litigation.


2. I submit this Declaration in Support of Lead Plaintiff's Memorandum of Law in Opposition of Defendants' Motion *In Limine* to Preclude Testimony of Robert W. Berliner.

3. Attached hereto as Exhibits are true and correct copies of the following, which are being filed *under seal* pursuant to the Confidentiality Order dated May 16, 2006:

| <u>Exhibit No.</u> | <u>Description</u> |
|---------------------------|---|
| A | Preliminary Expert Report of Robert W. Berliner, CPA, CFE, dated April 11, 2007 |
| B | Excerpts from deposition transcript of Robert W. Berliner, dated June 19, 2007 |
| C | Veeco Instruments Inc. Earnings Conference Call, dated March 16, 2005 |
| D | Supplemental Report of Robert W. Berliner, CPA, CFE, dated June 12, 2007 |

- E Excerpts from deposition transcript of David G. Bonagura, dated April 18, 2007
- F Excerpts from deposition transcript of Gary Reifert, dated February 13, 2007
- G VECO 0097504 and VECO 0148749
- H Affidavit of John F. Rein, Jr. In Support of Defendants' Opposition to Plaintiffs' Motion to Compel Production of Documents Concerning Veeco's Internal Investigation

Dated: June 26, 2007



Phyllis M. Parker